

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**January 9, 2008**

The meeting was called to order at 4:05 p.m. by Vice-Chairman Brent Fuller at 3600 Constitution Boulevard, West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Brent Fuller, Jack Matheson, Phil Conder, Terri Mills, Jason Jones and  
Mary Jayne Davis

**ABSENT:** Harold Woodruff and Dale Clayton

**WEST VALLEY CITY PLANNING DIVISION STAFF**

John Janson, Steve Lehman, Steve Pastorik, Ron Weibel, Jody Knapp,  
Karon Jensen, and Hannah Thiel

**WEST VALLEY ADMINISTRATIVE STAFF:**

Joseph Moore, CED Director  
Nicole Cottle, Asst. City Attorney

**AUDIENCE**

Approximately Thirty-Five (35) people were in the audience.

## **GENERAL PLAN/ZONE CHANGE APPLICATION**

### **GPZ-5-2007**

**Randy and Michelle Tousley**

**3244 South 3600 West**

**General Plan Change from Low Density Residential to High Density Residential  
Zone Change from R-1-8 to RM**

**1.14 Acres**

Randy and Michelle Tousley have submitted a General Plan/zone change application for 4 parcels totaling 1.14 acres located at 3244 South 3600 West. All 4 parcels are zoned R-1-8 (single family residential, minimum lot size 8,000 square feet) and are classified as low density residential (3 to 4 units/acre) in the General Plan. The applicants are requesting an RM Zone (residential, multi-family) and a General Plan land use designation of high density residential (10 to 20 units/acre).

Surrounding zones include R-1-8 to the north, south, and west and R-1-6 to the east. The 4 parcels are surrounded by single family homes.

The three eastern most parcels include 2 four-plexes and a 5-plex. The 5-plex was built in 1939 and the 2 four-plexes were built in 1962. Photos of these existing buildings are attached. This area of the City was unzoned prior to 1965; hence, no zoning restrictions were in place that would have prohibited the construction of these apartment buildings. The western most parcel includes some parking but is mostly vacant.

### **Development Proposal**

Included with this report is an outline of request from the applicants. Also included is a concept plan that shows the existing apartment buildings and the proposed new 6 unit townhome building together with a photo of the proposed 6 unit townhome. As the applicants have indicated in their outline, the rezone will allow the construction of the new 6 unit townhome building, which will help finance the improvements envisioned for the existing apartment buildings.

Approximately .7 acres of the overall 1.14 acres is currently developed. With 13 units existing, the current density (not including the undeveloped portion of the property) is about 18.6 units/acre. The density as proposed on the concept plan is 16.7 units/acre.

While the zoning and General Plan for this property suggest single family homes, it's unlikely that single family homes will ever replace the existing apartments. While the existing apartment buildings are nonconforming, the Zoning Ordinance allows nonconforming structures to be rebuilt if they are destroyed by calamity or act of nature. In other words, if the existing apartments were to be destroyed in a fire, they could be rebuilt. From an economic standpoint, its unlikely that an owner would demolish the

existing apartments and replace them with single family homes. Providing access to single family homes on the western parcel would be awkward coming through the parking area of an apartment development.

Staff has received 4 letters, which are attached, from residents of the surrounding area that support this application.

### **Development Agreement**

On recent rezone applications involving multi-family housing, the City has required a development agreement. These agreements have included items that are proposed by applicants in their conceptual plans. Included with this report is a proposed development agreement from the applicants that outlines the planned improvements to the property, the existing buildings, and the proposed new building. In addition to the proposed improvements outlined by the applicants, staff recommends the following additions:

- The new townhome building shall be built substantially like the photo in Exhibit C with the exception that all of the requirements in Chapter 7-14 Part 3 of the Zoning Ordinance shall apply.
- The minimum roof pitch for the 4-plex buildings shall be 4/12.
- No more than 6 new dwelling units shall be constructed.
- The improvements planned for the existing buildings and property shall be completed within one year of the completion of the townhome building.
- The types, sizes, and quantities of landscaping and fencing shall be determined during the conditional use process for the new townhome building and shall include the elements proposed by the applicants.
- The owners shall participate in the City's good landlord program.

### **Staff Alternatives:**

1. Approval of the General Plan/zone change subject to a development agreement that includes the standards proposed by the applicant and the additions recommended by staff.
2. Approval of the General Plan/zone change subject to a development agreement that includes the standards proposed by the applicant and the additions recommended by staff with a change to increase open space by either: reducing the number of new units to 5, reducing the number of new units to 4, or by the applicants acquiring and improving at least 6,000 square feet of land from at least one of the neighboring lots.
3. Continuance for reasons determined during the public hearing.
4. Denial, additional attached housing at this location is not appropriate given the single family home neighbors.

<b><u>Applicant:</u></b> <b>Randy &amp; Michelle Tousley</b> <b>3244 South 3600 West</b>	<b><u>Favored:</u></b> <b>Ken Bodamer</b> <b>3252 South 2600 West</b>	<b><u>Favored:</u></b> <b>Jack McIntyre</b> <b>3299 W. 3540 South</b>
--	---	---

<b><u>Favored:</u></b> <b>Scott Warr</b> <b>3154 South 3600 West</b>	<b><u>Favored:</u></b> <b>Gail Warr</b> <b>3196 South 3600 W.</b>
--	---

**Discussion:**

Steve Pastorik presented the application. Randy Tousley discussed he has put \$70,000 into this project and his blood, sweat, and tears. He has developed a screening process for all applicants. This has resulted in a decrease in police calls and better renters. Commissioner Matheson asked if the current building met building codes and stated that the 5 plex was not attractive and should be demolished. Mr. Tousley responded that the 5 plex has serious long term potential. It is not a new building but Mr. Tousley assures that it can be improved. Commissioner Matheson stated that he is not against rezoning to multi-family because the neighbors do not seem to care since this area has been multi-family for so long. He expressed concern about upgrading only the exterior of the existing buildings. Mr. Tousley responded that doing nothing was not the answer.

Commissioner Jones asked Steve Pastorik about requirements to meet code. Steve Pastorik replied that the new 6-plex would need to be at code. He was unaware of inside requirements. Commissioner Davis asked if they had brought any items up to code as they were remodeling. Mr. Tousley replied that they did what they could. He has replaced things as they have broken down with something that is durable. Commissioner Jones asked about the requirements for parking. Steve Pastorik replied that the standard is 2 spaces per unit and the latest site plan meets the requirements. Commissioner Mills praised the Tousley's on their improvements. Commissioner Mills felt that a playground is necessary to remain on the property. Therefore, to have more open area, she is in favor of a 5-plex or the acquiring of additional property. Mr. Tousley replied that he has entered into an agreement to purchase the additional property. Commissioner Davis questioned about a shed in the rear. Randy Tousley responded that it would be removed.

Mr. Ken Motomer, a neighbor to the south, is in favor of the 6 plex which he believes would benefit the neighborhood. Mr. Jack McIntyre stated that any improvements would make our community look better. Mr. Scott Warr, a neighbor 5 or 6 houses down, indicated that since the Tousleys have owned the property there has been a marked improvement. He stated that this property doesn't really fit into a single family zone. Mr. Warr feels this change will improve the neighborhood. Ms. Gail Warr has lived in this neighborhood for 47 years. She expressed concern about the parking and feels that this change would

improve the parking problems. She also feels the improvements to the buildings will be a great asset.

Commissioner Conder commented about the landlords living on the premises and therefore being more willing to make positive changes. Commissioner Matheson expressed concern about not enough open space. The plan needs an area for children to play.

There being no further discussion regarding this application, Acting-Chairman Fuller called for a motion.

**Motion:** Commissioner Matheson moved for approval subject to the development agreement that includes standards that have been proposed by the applicant and additional recommendations of the staff. The open space shall be increased by either reducing the number of new units to four, acquiring additional property of at least 5000 sq ft to the rear, or demolishing the five plex. Also, the improvements to the existing building and property must be made in conjunction with the townhomes.

Commissioner Condor seconded the motion.

**Roll call vote:**

Commissioner Clayton	AB
Acting Chairman Fuller	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Jones	Yes
Chairman Woodruff	AB

**Unanimous – GPZ-5-2007 – Approved**

**ZONE CHANGE APPLICATION:**

**Z-17-2007**

**Lightsource Development, LLC**

**2978 South Redwood Road**

**Zone Change from A to C-3**

**5.14 Acres**

Lightsource Development, LLC has submitted a zone change application for a 5.14 acre parcel located at 2978 South Redwood Road from A (agriculture, minimum lot size ½

acre) to C-3 (transitional commercial). The property is classified as light manufacturing, general commercial, or office in the General Plan.

Surrounding zones include C-3 to the north, M (manufacturing) to the west, A to the south, and R-1-8 and R-1-6 to the east. Surrounding land uses include a light industrial development to the north, the Lake Pointe office park to the west, power lines to the south, and single family homes to the east on the other side of Redwood Road.

The Zoning Ordinance describes the C-3 Zone in the following way:

“The Transitional Commercial Zone is established to provide suitable locations for retail, wholesale, light manufacturing, service and outdoor recreation uses. These areas should serve as transition zones between General Commercial and Manufacturing Zones and should be located on arterial streets.”

### **Development Proposal**

Attached to this staff report is a concept plan. The Ascent Health Care building, which is a psychiatric hospital, is proposed on the west end of the property with two future pad sites along Redwood Road. At this point, no users/tenants have been identified for the pad sites.

Attached to this staff report are two documents from the applicant. The first is titled Ascent Salt Lake City and is a 3 page description of the facility. The second is titled Feasibility Study for License of a New Facility, which is a much longer and more detailed description of the facility. SLCBH stands for Salt Lake City Behavioral Hospital. According to the applicant, 95% of the patients that come to the facility will come voluntarily.

Staff asked the applicant how many employees would be at the facility. Here is the applicant’s response: “The number of Full Time Equivalent employees at full capacity will be 170-180 people. There will be a ramp up period, but that would be a full capacity. Included as part of the “FTE” employees are many part time nurses and other employees that are maybe working 20 hour weeks.”

A hospital is a permitted use in the C-3 Zone and a conditional use in the C-2 Zone. This is the reason the applicant is requesting the C-3 Zone. If this rezone is approved, the Commercial Design Ordinance and Redwood Road Streetscape Ordinance will apply to this property.

### **Staff Alternatives:**

1. Approval of a zone change to C-2 as the change complies with the General Plan and will allow the Planning Commission to review the application as a conditional use.

2. Approval of the zone change to C-3 as the change complies with the General Plan.
3. Continuance, for reasons determined during the public hearing.

**Applicant:**

**Michael Wright**  
**801 North 500 West #300**  
**Bountiful, Utah**

**Discussion:** Steve Pastorik presented the application. The applicant, Michael Wright, discussed the proposed facility that would be leased to Ascent Healthcare. He has done a feasibility study market for the area. There is a severe need for the Salt Lake County area and also a severe bed need across the country. The proposed services would be available for pediatrics, adolescents and geriatric cases where the patients need to be stabilized. This is done within 7-10 days of being admitted. This is a facility where 95% of the patients who come here are voluntary. They are treated and released back into the public. It is understood by the applicant that this is a permitted use in a 'C-3' zone. There is 'C-3' to the North; therefore, a 'C-3' zone is being requested.

Commissioner Conder asked about the average stay of patients. Mr. Wright replied that it is 7 to 10 days and that this is a secure facility. The patients do not come and go. Commissioner Conder asked about the age of the patients percentage breakdown. Mr. Wright replied that it depends on the needs of the community, the facility is designed to be flexible on the type of care and type of patients. By law, adult and adolescents need to be separated. The Commission asked about the 5% which were not voluntary. Mr. Wright replied that it would be patients which were suicidal and would go into an emergency room. They would usually be transferred by ambulance and then admitted to the facility.

Commissioner Jones asked if the patients would create a danger to the neighborhoods. Mr. Wright replied that patients are usually struggling with depression, focused inward, and are typically very quiet. Commissioner Conder asked if there were other facilities like this in our State. Mr. Wright said that UNI, which is in Research Park by the University of Utah, is a similar facility. Commissioner Davis asked about security. Mr. Wright replied that it is done with card access and secure doors on the exterior of the building. Typically they have 150 to 180 full time employees, including nurses, that are caring for and monitoring the patients and their well being. The Commission asked about the parking being adequate for 150 to 180 people. Steve Pastorik replied that this is a rezoning request and the site plan is not final. Commissioner Conder stated that he thinks 'C-2' is more appropriate and would be in favor of a 'C-2' zone change.

There being no further discussion regarding this application, Vice - Chairman Fuller called for a motion.

**Motion:** Commissioner Conder moved for a approval subject to the zone being changed to 'C-2' (general commercial)

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Clayton	AB
Acting Chairman Fuller	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Jones	Yes
Chairman Woodruff	AB

**Unanimous– Z-17-2007 – Approved**

**SUBDIVISION APPLICATION:**

**SV-4-2007**

**3340 West 3500 South**

**BACKGROUND**

The West Valley City Public Works Department is requesting consideration to close 3340 West at 3500 South. This road provides access to residents living in phases 1-4 of the Granger Heights Subdivision.

As UDOT prepares to widen and improve 3500 South, a determination has been made that the two residential properties at this intersection would need to be acquired for needed right-of-way. As residents in the adjacent subdivisions were made aware of this potential action, a petition was submitted to the City to close this right-of-way. A copy of the petition has been attached to the analysis.

After reviewing the attached petition, the Public Works Department believes that closing this right-of-way is a reasonable request. The existing road will end in a hammerhead configuration approved by the Fire Department. In addition, there are two points of access to the remaining development for City services and emergency purposes.

One concern that has been expressed is the need for a pedestrian connection with 3500 South. According to the Public Works Department, a connection is planned to facilitate residential access and school access to Westlake Junior High.



According to City Ordinance, streets closures shall be reviewed by the Planning Commission with a recommendation to the City Council.

## **RECOMMENDATION**

1. Approval of the street closure.
2. Continue the application due to issues raised at the public hearing.

**Applicant:**  
**Eric Brondum,**  
**Traffic Engineer,**  
**West Valley Public Works Dept.**

**Opposed**  
**Robert Stahlsbury**  
**3574 So 3400 West**

**Opposed**  
**Jack McIntyre**  
**3299 W. 3540 South**

**Favored**  
**Joe Masarone**  
**3523 So. 3340 West**

**Favored**  
**James Scarbrough**  
**3563 S. 3340 West**

**Discussion:** Steve Lehman presented the application. Commissioner Conder asked about the sound wall and questioned what it would look like. Eric Brondum, West Valley City Transportation Engineer, replied that he is not sure of its appearance. With the widening of 3500 South, UDOT approached the two property owners that will still remain. The owner of the property on the East responded and the sound wall was incorporated into the design. The owner of the property on the West did not respond so UDOT has not yet incorporated a sound wall. Mr. Brondum is unsure of the appearance or height of the sound wall.

Commissioner Matheson asked about the widening of 3500 south and if there will be a bus lane in the center of the street. He questioned if there would be a left turn in and out of the subdivision in the future. The applicant, Eric Brondum, responded that the traffic is primarily turning right to cut through traffic due to backup of the 3200 West intersection. Commissioner Condor asked if there were any traffic devices being used in this subdivision to discourage traffic. Mr. Brondum replied that there wasn't. Commissioner Mills asked the benefit to closing the road. Mr. Brondum replied the only benefit would be to prohibit the cut through traffic. Commissioner Fuller asked if the improvement to 3500 South would resolve wanting to cut through. Mr. Brondum replied that there would be 3 lanes east bound and a median blocking all left turns so traffic could be decreased. Commissioner Fuller stated that with the improvement of 3500 South and the traffic that will be prohibited, it might be something that could be addressed at a later date, when the residents have had a chance to see how it's working. It could be a real benefit to them to have it open. Mr. Brondum responded that UDOT will own the property and it would be less expensive to close it now than at a later date. Commissioner Conder asked, if this application is approved, when the road would be closed. Mr. Brondum replied that he was unsure of the phasing of the construction and didn't know when they would get to this piece.

Robert Stahlsbury lived on 3400 West for over 20 years. He does not see a lot of traffic from people who do not live in the subdivision. He uses the road all the time and is opposed to closure.

Jack McIntyre lives around the corner from the proposal and feels this is premature. He expressed concern about the emergency vehicle access this could cause if they close the only North exit. He believes there should be a study of potential traffic problems if this road is closed.

Mr. Joe Masarone lives two doors down from 3500 South. He was told there would be a sound wall on both sides of the road. Mr. Masarone thought this would be a perfect time to turn this area into a cul-de-sac. Commissioner Conder asked Joe Masarone if sound, light, and traffic issues could be improved, would the need of the cul-de-sac diminish? Mr. Masarone replied that it would. Commissioner Conder stated that there are ways to mitigate some of that. Joe Masarone indicated that there are several neighborhoods using their street as access and it is more than just local traffic.

Mr. James Scarborough stated, in response to mitigating the other issues, that his primary concern is the quantity and speed of traffic. He has young children and is outside with them on a daily basis. He has witnessed the traffic coming by this area and the speed of this traffic. There are also ten other homes with small children living on this street and with cars speeding through this area, he has witnessed some close calls. He is concerned with the safety of the children in the neighborhood. He does not feel that the left turn lane will change the traffic going through the neighborhood. He would like the commission to consider closing off this street. Commissioner Matheson asked if 3340 is a through street. James Scarborough answered yes. Commissioner Matheson asked about adding a 4-way stop to this intersection. Mr. Scarborough indicated that a 4-way stop or speed bumps would make him happier. He feels this is a big issue. Commissioner Jones asked Steve Lehman the process of adding stop signs, speed bumps, or lights. Mr. Lehman replied the Public Works Department would do an evaluation. He feels the 4-way stop is a very reasonable request. Commissioner Matheson would not oppose speed bumps or stop signs. The changing of the road to right turn only may decrease traffic in regards to speeding. Mr. Scarborough has called West Valley City and they have given out tickets which seems to slow traffic down quickly. He feels that it would be wise to wait to close off the road.

Eric Brondum replied that 4-ways stops are not only used as safety concerns but also as traffic calming measures. Adding 4-way stops where they are not needed creates hazards. Studies have shown that people will disregard the stop and speeds will actually increase between stop signs. He stated that some studies can be done to measure the traffic on these streets to determine if speed bumps or some other traffic calming device is needed. Mr. Brondum indicated that if the city is in favor of closing this street, it would be convenient for the City, not UDOT, to

incorporate the design into the current plan set at this time. Current plans show the street open with a sound wall on the east side and no sound wall on the west side.

Commissioner Matheson asked how soon the traffic study could be done. Mr. Brondum responded that this time of year is very difficult because of the snow. They place tubes across the road and if it snows, these tubes could accidentally be plowed. They could place the devices as soon as there is a break in the weather, which would usually be about March or April. Commissioner Matheson asked about stop signs. Mr. Brondum answered that looking at the aerial photo, he did not think an all stop would be necessary, but maybe a 2-way stop, and he could have technicians measure that. Closing the street seems to be a harsh solution to the real problems and he believes there may be better ways to address these problems. Commissioner Davis feels there should be more attention paid to the underlying problems. Commissioner Matheson agrees with Commissioner Davis and also added that closing the street is a hazard for emergency vehicles. Commissioner Fuller agrees that more studies need to be done to see if all these issues can be resolved before any drastic measures are taken.

There being no further discussion regarding this application, Vice - Chairman Fuller called for a motion.

**Motion:** Commissioner Conder moved for denial. If West Valley City would like to come back with more information, this item could further be explored. As part of the motion he would encourage West Valley City to address the concerns of the residents, especially traffic flow to mitigate the high speeds going on in this location. Recommendation to West Valley City to make a study of other options.

Commissioner Matheson seconded the motion.

**Roll call vote:**

Commissioner Clayton	AB
Acting Chairman Fuller	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Jones	No
Chairman Woodruff	AB

**Majority– SV-4-2007 – Denied**

**S-25-2007**

**Reunion Village – Preliminary Plat**

**3639 South 5600 West**

**R-1-8 Zone**

**26 Units**

**4.19 Acres**

**BACKGROUND:**

Jeff Mansell, is requesting preliminary approval for the Reunion Village Subdivision. The subject property was rezoned in October 2007 from the A Zone to the R-1-8 Zone. A development agreement was reviewed and approved by the Planning Commission and City Council during the rezone process. This agreement sets forth the development standards to be used in this development. Staff will reference the highlights of this agreement throughout the subdivision analysis.

**STAFF/AGENCY COMMENTS:**

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modification to existing ditches or irrigation systems.
- Soils report will be required.
- Will need to address the storm water drainage issues.
- Will need to coordinate proposed access with UDOT.
- Revisions to plat required.
- Contact Salt Lake County for approval regarding street names and subdivision name.

Building Division:

- Will need a soils report prior to final plat review.

Utility Companies:

- Will need to coordinate utility easements for this project.

Fire Department:

- Project to meet all fire codes relating to this type of development.
- Hydrants to be shown on plat.
- Questions on whether this community is gated. If so, coordination regarding access will be needed.

## **ISSUES:**

The Reunion Village Subdivision is a senior community consisting of 26 units on 4.19 acres. Although 26 units are mentioned, there will actually be 24 new units. Two existing dwellings to the south will remain as previously constructed. The project has an overall density of 6.2 units per acre which is similar to other senior projects approved in the City. The subdivision is being proposed as a planned community with private streets, and open space areas.

Access to the development will be gained from 5600 West. The developer will need to coordinate this access with UDOT and will need to submit the necessary permits to the City Engineering Division. There are presently two existing dwellings on 5600 West that will gain access through the new development. The applicant will be responsible to coordinate this access and all new improvements with these property owners. The internal street system will be private and access to all dwellings will be through a series of limited driveways. The limited points of access from the private street will add additional landscaping and character to the subdivision.

Buildings will be comprised of 4 units with the exception of the front building. The architecture is somewhat similar to the Valley View Villas and Hunter Villas communities. The minimum dwelling size will be 1500 square feet as specified in the development agreement.

Building materials will consist of 100% masonry products. According to submitted building elevations, chosen materials will consist of stone, stucco and hardi-plank. The developer is looking at two color schemes. Although the proposed colors are somewhat similar, there are enough differences to create an attractive look between buildings.

As mentioned previously, the Planning Commission and City Council reviewed and approved a development agreement for this subdivision. Staff believes that the standards outlined in this agreement will create a unique community for senior living. The development agreement states that at least 80% of the units shall have an occupant that is at least 55 years of age.

The total open space for this development is approximately 1.72 acres or 43%. Although less than what is required by ordinance, (50%) the Planning

Commission can approve this percentage upon a showing that the open space and proposed amenities will substantially meet the needs of residents in this community. The developer believes that the senior concept to include a paved walking path, gazebo, benches and open space areas for children and/or grand children to play will meet the open space needs for residents of this community. The Planning Commission will need to evaluate the open space for this development and make a determination regarding the proposed area.

In regards to the open spaces and proposed amenities, staff would like to suggest an extension of the walkway to include the east boundary as well. This would allow residents to use the walking path without traversing the private street. Although space is limited on the east side, staff believes that sufficient width does exist to add the path. The site plan indicates that the path would be 4 feet in width. To better accommodate pedestrians, staff will recommend that the walkway be a minimum of 5 feet in width.

The project site will have a small detention basin for storm water. The basin will be used for both storm water and open space needs. The depth of the basin is expected to be fairly shallow. Storm water generated from this site will need to be piped from the east to the west. Plans to accomplish this will need to be reviewed and approved prior to final plat submittal.

The developer is proposing to fence the perimeter of this development. Senior communities that have been approved in past years have all had perimeter fencing. To create the privacy that the developer is seeking, he is proposing a 6-foot vinyl fence. Although color is not something that is generally discussed, staff would suggest using a tan color to unify the overall development.

The density proposed for this site will require the developer to participate in the TDR program. As specified in the development agreement, the applicant will need to resolve this issue as part of the subdivision process. Staff will be coordinating this matter as the subdivision moves forward. The results shall be completed prior to the final plat process.

There are a number of mature trees on this property. Staff will recommend that the developer provide a tree survey and an evaluation of said trees. If possible, the developer shall retain as many trees as the development will permit.

Staff is unsure what type of lighting will be used for this development and it's unclear whether an entry feature will be used. Staff recommends that an entry feature be installed along 5600 West to identify this development. Both a lighting plan and entry feature description shall be provided prior to final plat review.

#### **STAFF ALTERNATIVES:**

- A. Grant preliminary approval for the Reunion Village Subdivision subject to the following conditions:
1. That the subdivision be guided by the recorded development agreement.
  2. That the developer contact the Salt Lake County Auditor's Office regarding the subdivision name and all street names associated with the development.
  3. That compliance be made with the Water and Sewer District, i.e., water line extensions, connections, water rights and fire protection. The developer shall resolve all matters pertaining to these services and necessary easements prior to final plat review.
  4. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate this matter with any water users as part of this condition.
  5. That the perimeter of this development be fenced with a 6-foot vinyl fence.
  6. That a soils report be submitted. This report will need to be evaluated by both the City Engineer and Building Official as it relates to ground water and other soil characteristics.
  7. That a landscape plan be submitted prior to final plat review. The landscape plan shall include both an overall plan and building specific plan.
  8. That the proposed development comply with all provisions of the West Valley City Fire Department. This shall include access into and through the project.
  9. That proposed building setbacks be in accordance with the site plan reviewed as part of this application. Slight modifications can be made to this plan if needed in order to accommodate utilities or other infrastructure. Modifications that deviate substantially from the approved site plan shall be reviewed by the Planning Commission.
  10. That a lighting plan be submitted as part of the final plat process.
  11. That the developer work with staff to resolve the TDR issue.
  12. That a tree survey be provided prior to final plat review. Consideration shall be given to save as many trees as possible.

13. That based on the proposed amenity package, the proposed open space calculation of 43% is approved. Should the Planning Commission determine that additional open space is needed, the project site shall be modified to reflect the increased percentage.
14. The developer shall provide for the continuation of the walking trail along the east boundary of the project. All walking trails shall be a minimum of 5 feet in width and shall be constructed of concrete.
15. That an entry feature plan be submitted prior to final plat review.

B. Continue the application to address concern raised during the Planning Commission hearing.

**Applicant:**  
**Jeff Mansell**  
**9015 Canyon Gate Circle**

**Concerned:**  
**Elsa Poole**  
**3634 South 5450 West**

**Discussion:** Steve Lehman presented the application. Commissioner Matheson asked if City Engineering had reviewed grading plans. He is not happy with the rolled gutter in the street. He feels the rolled gutter is difficult to snow plow. Mr. Mansell stated that he is not opposed to a standard gutter. He agrees to all recommendations made by the staff, but would like to modify #14. He would like to eliminate line number 1 referring to a walkway on the east side of the project. The remainder of #14 would remain, stating that the walkways would be 5 feet in width. Commissioner Mills asked where the utility meters were located. Mr. Mansell answered that they were on the sides of the buildings. Eight units were along the drive, with four on each side of the road. In the landscape plan he will minimize the appearance of these. Commissioner Mills also asked about central air units. Mr. Mansell replied that they will be in a similar area and will also be hidden by landscaping. Basically 8 of the 24 units will have mechanical items visible from the main street. The rest will be hidden. Commissioner Mills asked if they had a gazebo. Mr. Mansell answered yes and explained that one is being proposed in the picnic area in the front open space of this project.

Elsa Poole lives on the back side of this development. She would like to know where her property ends and this project begins. Steve Lehman indicated that there is a field that separates this property from hers. Steve Lehman asked if Ms. Poole lives on 5200 West. Ms. Poole said yes. Steve Lehman said there is a space between both properties. Ms. Poole feels that this property is a fire hazard because it is not being maintained. Steve Lehman indicated that he would conduct an investigation and staff would make the property owner aware of any problems. Steve Lehman indicated that there was also a call from a property owner to the southwest who was asking about the irrigation water. Mr. Lehman explained that



this issue would be addressed with the public works department. Ms. Poole asked about the existing trees, stating that if some were sucker trees, the developer should not keep them.

Commissioner Mills asked about the 43% open space rather than the 50%. Did they feel the gazebo and walkways justify the reduction? Commissioner Matheson asked about taking the single family home in front and making it a clubhouse for the residents. Would this help with the open space? Commissioner Mills feels it would be better for families. Commissioner Matheson asked Steve Lehman if the walkways were considered part of the open space. Steve Lehman replied that yes, the only part not included in the open space would be the buildings and the driveways.

Commissioner Fuller asked Mr. Mansell if the 2 homes that are existing are being purchased. Mr. Mansell replied no. One is already owned by the applicant and the other one is being torn down to replace the home that exists there now. However, the 2 homes which are not owned will gain access by a private street, not 5600 West. Commissioner Fuller asked if these 2 private homes were included in the open space. Steve Lehman said they were not and one has a fairly large lot and could probably add about 8000 sq feet to the open area if added. However, with the lot included, this would still leave them a couple thousand feet short of meeting the 50% requirement. Commissioner Matheson states that the gazebo is not really useable open space as it is located in the drainage area and asked about the size of the drainage area. Steve Lehman stated there is some question on the size of the drainage area. This will be addressed in the final landscaping plans but the final open space calculation needs to be addressed today. Mr. Mansell said that there are several softball fields inside of a water retention area. The main time this would be used for water is during bad weather when the gazebo would not be used anyway.

Commissioner Davis stated that she and Commissioner Mills have concerns that this area is targeted toward senior citizens who like to get out and walk. Maybe more open space is needed. Steve Lehman clarified the ordinance. The ordinance is 50% in a project like this. There is a caveat in the ordinance which allows the Planning Commission an option to reduce the open spaces if they feel that the development will offset that reduction of open space. Commissioner Jones commented that he likes the trail system and Commissioner Davis agreed. Commissioner Matheson would like to wait and see what the public works comes up with regarding the detention basin. If it is a shallow enough basin, it could certainly have a recreational use. But a four foot slope around the edge really limits usage. Steve Lehman responded that the way we conditioned the application on #13 addresses it a little bit and it could be modified slightly to reflect what Commissioner Matheson feels. If the rest of the Commission feels the same way, that could be addressed at the final plat. At that time, if the Planning Commission feels that 43% is not adequate, they could modify the plat by removing the one unit.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Jones moved for a motion for approval including the 15 staff recommendations striking the first sentence from item 14 and adding 2 more conditions:

1. That mechanical equipment be hidden by landscape plan.
2. That center rolled drainage be replaced by standard gutter drainage.

**No one seconded the motion- motion denied**

**2<sup>nd</sup> Motion:** Commissioner Matheson moved to continue the application to address the concerns that have been raised.

Commissioner Mills Seconded the motion.

**Roll call vote:**

Commissioner Clayton	AB
Acting Chairman Fuller	Yes
Commissioner Conder	No
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Jones	No
Chairman Woodruff	AB

**Majority– S-25-2007 – Continuance**

**CONDITIONAL USE APPLICATIONS:**

**C-2-2006**

Henry Day Ford, Hogi Yogi, Teriyaki Stix, Hollywood Video  
4091 West 3500 South  
General Commercial Zone, 11.1 acres  
Staff Presentation by Hannah Thiel, Planner I

**Legal Authority**

7-6-1002 Schedule of Uses

## **Background**

Henry Day Ford is requesting a conditional use amendment for another monument sign. The monument sign would be a multi-tenant sign located on the Hollywood Video property at 4111 West 3500 South. The applicant was approved for a conditional use on March 22, 2006 and this conditional use amendment request was continued from the October 24, 2007 public hearing.

Henry Day Ford's site plan was approved at the time the conditional use was approved. At a Planning Commission Study Session on June 20, 2007, Henry Day Ford requested another monument sign on site for a Hogi Yogi restaurant located inside of the Henry Day building. The Planning Commission determined that no more signage would be needed on site and that a sign for Hogi Yogi could be incorporated on an originally approved sign. The applicant has expressed that Ford does not allow any additional signage on the Ford signs; only the Ford name and logo is allowed on a Ford sign.

The multi-tenant sign that Henry Day Ford, Hogi Yogi, Teriyaki Stix, and Hollywood Video are now proposing would be located by the entrance to Henry Day and Hollywood video. The proposed sign is six (6) feet tall and has a face of approximately 60 square feet. The sign is required to be located at least 50 feet from the Hollywood Video side and rear property is limited to one sign per 200 feet of frontage on one parcel.

The sign ordinance allows one sign per 200 feet of frontage, but every parcel may have at least one sign. This means that in order to have two monument signs, 400 feet of frontage is required. If the Hollywood Video parcel was dissolved into the Henry Day Ford parcel in the future, additional feet of frontage would be required to have a conforming signs. The Henry Day Ford parcel currently has approximately 156 feet of frontage. If the entire Hollywood Video parcel was acquired by Henry Day Ford, there would be a total of approximately 326 feet of frontage. The proposed location for the sign is currently conforming to City ordinances as the sign is located on a separate parcel than Henry Day Ford and acts as a multi-tenant sign for a commercial complex. However, if the Hollywood Video parcel was merged into Henry Day Ford's property, the sign would be nonconforming with the West Valley City ordinances.

The applicant submitted a new site plan illustrating the landscaping that would be placed in front of Hollywood Video. This site plan is attached. Grass, trees, and shrubs are proposed for the park strip area. The applicant noted that the High Image Arterial Street ordinance would be followed when installing the landscaping.

## **Planning Commission Concerns**

The Planning Commission has expressed concern for allowing more signage in previous study sessions. The motion for continuance on October 24, 2007 was to allow the Planning Commission time to consider landscaping enhancement that may be done to the Hollywood Video site and to allow the applicant time to submit additional information

addressing the potential landscape and site enhancements.

### **Recommendations/ Staff Alternatives**

- Approval subject to any issues raised at the public hearing as well as the following conditions:
  1. That the sign be removed when and if the Hollywood Video Parcel (1531226016) is absorbed by Henry Day Ford, to maintain conforming signs within the City.
  2. That the approved sign use a minimum of a one foot base to meet the Sign Ordinance requirements.
  3. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of the Conditional Use Amendment

**Applicant:**  
**Henry Day Ford**  
**Jeremy Day**  
**4091 West 3500 South**

**Favor**  
**Ryan Park**  
**5976 W. Sugarbowl Lane**

**Discussion:** Ms. Hannah Thiel presented the application. Jeremy Day with Henry Day Ford spoke about the Hogi Yogi business. He expressed that it has a good business plan but wanted to use some of the signage in front of their business but Ford requires a certain amount of space and they can't modify their fascia. Mr. Day indicated they had some banners displayed which the City requested be removed. At the time their profits were increasing but after the removal of the signs they are now less than upon opening day. He expressed that in order for this business to be profitable, they need to have some signage on 3500 south.

Commissioner Conder asked if the parking lot lights could be turned, how long the temporary banner sign has been down, and what the trend has been since the sign was removed. Mr. Day responded that it has been about 30 days since the banners were taken down. There are signs inside to direct people, but it is a 50,000 sq foot building and is very difficult to know Hogi Yogi is there. Mr. Day basically has no frontage to display cars. There is just not enough business internally to keep the Hogi Yogi business going on a daily basis.

Commissioner Fuller asked about future business plans. Are they going to purchase Hollywood Video, instead of leasing? Mr. Day responded that they own one-half of the Hollywood video parcel and building but Hollywood Video controls it for the next 8 years. They do have a contingency when the Hollywood lease is gone they will not sublease, and they have to demolish the building. Commissioner Fuller states that his understanding is that the Hogi Yogi business

is contingent upon having signage in front and that maybe when the building is demolished, the sign could be taken down. Commissioner Fuller asked whether Mr. Day had any concerns with this proposal. Mr. Day replied that he would be open to whatever needed to be done. If he had to remove the sign down the road, he would. Mr. Day said that Hollywood will be there for at least 2 or more years.

Commissioner Mills asked Hannah Thiel that when Hollywood Video vacates the premises, instead of requiring the removal of the sign, could the Planning Commission review it at that time. Hannah responded that the code is such that unless it is changed, the Planning Commission doesn't have the authority to allow another sign once the Hollywood Video parcel is incorporated into the Henry Day parcel. The code is one sign per 200 feet of frontage but doesn't give the option of the Commission to allow more signs. Commissioner Mills clarified that the number of signs can't be changed but that they do have the flexibility to increase the area of the signs.

Commissioner Conder believes that the only 2 options are:

1. Sign is removed when Hollywood parcel is merged into Henry Day Ford parcel.
2. The sign becomes non-conforming and stays when the Hollywood parcel is merged.

Commissioner Fuller stated that Henry Day needs signage in order to stay in business. Commissioner Fuller would be in favor of letting them keep the non-conforming sign.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Conder moved for approval and the striking of staff condition #1

Commissioner Jones seconded the motion.

**Roll call vote:**

Commissioner Clayton	AB
Acting Chairman Fuller	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Jones	Yes
Chairman Woodruff	AB

**Unanimous- C-2-2006 – Approved**

**C-24-2007**

**Satterfield-Helm Management, Inc.  
3601 South Constitution Blvd. (2700 West)  
Valley Fair Mall Expansion and Remodel  
C-2 Zone**

Greg Helm and Scott Satterfield with Satterfield-Helm Management, Inc. are requesting a conditional use permit to expand and remodel the Valley Fair Mall, located at 3601 South Constitution Blvd. (2700 West). The property is zoned C-2 (general commercial) and is classified as traditional and regional retail in the City Center Vision Plan, which is part of the West Valley City General Plan. Surrounding zones include C-2 and R-4 (residential, four-plexes allowed) to the north, CC (City Center) and R-1-8 (single family residential, minimum lot size 8,000 square feet) to the west, R-1-8 and C-2 to the south, and RM (residential, multi-family) and R-1-8 to the east. Surrounding uses include commercial and apartments to the north across 3500 South, commercial, civic, and single family uses to the west, commercial and single family homes to the south, and I-215 to the east.

The Valley Fair Mall is specifically addressed in the City Center Vision Plan. The vision described for the mall in the City Center Vision Plan is:

“A revitalized and expanded retail, shopping, and restaurant experience with a new orientation that embraces its edges, connects to the Intermodal Center, and promotes multi-modal use. Include passive and active recreation. A relocated Granger Elementary provides a large area for expansion of mall-related uses.”

The goals described in the City Center Vision Plan are:

- Improve the appearance of the edges of the mall property to set it apart from the average through: landscaping, sidewalks, pad site uses, architecture, lighting, focal points/plazas.
- Strong pedestrian connections between the mall and Market Street.
- Use the public space above Constitution Boulevard.
- Relocate power poles or place underground.
- If a parking structure is needed, promote first floor retail.
- Develop pad uses that orient toward 27<sup>th</sup>
- Emphasize other ways of accessing the mall such as bike, pedestrian, and transit.
- Adopt a “place making” philosophy, including a recreation/entertainment theme.
- Shrink I-215 interchange and provide additional access to the mall.
- Buffer residential uses along 3800 South.
- Increase retail space.
- Bring development to the street.

The design guidelines described in the City Center Vision Plan are:

- The design standards found in the commercial design ordinance are suggested as architectural standards.
- Exterior storefronts should clearly distinguish one business from another.
- Pedestrian accommodations, site landscaping and lighting should be enhanced, especially in parking areas.
- Buildings should not be oriented toward 3800 South.
- Buildings adjacent to 3800 South should be screened through the use of walls and landscaping.
- A landscaped median in 3800 South should be considered to buffer the residential uses from the commercial uses.
- Bring buildings to the street.

Staff has worked with the mall owners to address the vision, goals and design guidelines recommended in the City Center Vision Plan.

Approximately 162,000 square feet of new, freestanding retail, banking and restaurant space is proposed in 13 new buildings located on the west side of the mall property. Additional retail space is also proposed to protrude out from the existing west and east façades of the mall. Overall, the total square feet planned for the mall is almost 948,000 square feet including Costco. The current total square feet for the mall (excluding Costco) is approximately 600,000 square feet.

Use	Proposed Area (Sq. Ft.)
Anchors	478,816
Mid Box	203,199
In-Line	150,887
Food Court	7,928
Restaurants	25,454
Pads	46,990
Town Center	34,368
Totals	947,642

## Issues

The City's recently adopted Commercial Design Standards Ordinance applies to this application. In staff's opinion, the applicant's architect has done well in meeting the intent of this ordinance. We have met with the Mall architect and reviewed the Phase 1 buildings to discuss site plan and architectural revisions. Revisions are underway. The Planning Commission voiced concerns about the use of ornamental/non-functional windows facing 35<sup>th</sup> South and 27<sup>th</sup> West. The architect is using a system of spandrel or opaque glass and is considering turning some of those windows into display windows. Examples of the spandrel glass will be available at the meeting. Display windows are being considered but are more tenant driven and will be encouraged by the Mall owners. The display windows could add an element of interest along 27th West.

Staff has not reviewed the architecture for the Olive Garden, TGIF's, or the new Wells Fargo bank, but we believe those could be handled at a study session. Preliminary architecture for those buildings may be presented at the meeting. The Wells Fargo building will need to proceed quickly to make way for some of the Mall reconstruction for attached new mid box tenants on the west side of the existing Mall building.

The proposed Mall architecture includes bartile roof structures, stucco, brick, 2 different types of stone, arches, substantial glass, and awnings/"eyebrows". Not all buildings will incorporate that theme and therefore provide some variety with updated exteriors such as on the Penney's building and possibly at a later date as the east side of the Mall is redeveloped. Several pad sites such as Olive Garden and the TGIF's will incorporate elements of the Mall theme but will have their own corporate architecture. Staff believes this variety will add to the overall redevelopment of the Mall.

Graffiti preventive coatings will be used on all exposed walls and street furniture.

Snow removal will be studied further but the Mall is considering pavement warming systems in the plaza area. The plaza is a mixture of turf and pavement.

Parking is sufficient by City ordinance standards.

Landscaping within the parking areas that will be installed as part of this project (mostly the west and south areas of the Mall), will be increased significantly over the current conditions. In addition the plaza helps to offset the minor ordinance deficiencies for landscaping within the parking lots.

The Mall has committed to placing underground the distribution power lines. This will decrease the clutter along the street and increase the spacing of poles to 450' instead of 350' as they are placed now. The transmission lines, which are the four simple lines at the top of the poles, will remain but may be placed even higher to be more out of the general view from the street.

The streetscape on 27<sup>th</sup> is still in flux. This is due to the light rail project and current negotiations about adding a third lane for turning movements along the east side of the street into the Mall. There appears to be adequate room for the lane (plus a bike lane) and to provide an 8' to 10' parkstrip and a 8' sidewalk. We believe that this will be resolved in the next few weeks and that the design of parkstrip area (landscaping, street trees and decorative lighting) and sidewalk configuration will enhance the development. A development agreement is required to accomplish this streetscape and to provide for reduced setbacks for the buildings from the street. The current property line for the Mall is 25' to 30' to the west of the existing sidewalk, so street dedication will eventually be required.

The 35<sup>th</sup> South streetscape will be installed for about 500' running east of the intersection of 35<sup>th</sup> and 27<sup>th</sup>. This covers the area where most of the construction will take place.



Staff is uncomfortable with requiring that streetscape all the way to the south entrance to I-215 since much of that area is not being disturbed by the current proposal and some of that may be done when UDOT reworks the interchange.

Internal circulation and access has been reviewed with the City and the City Traffic Engineer has found it to be adequate.

A sign plan has been provided. The plan includes 2 large pole signs along I-215, one smaller pole sign facing 35<sup>th</sup> South, one pole sign on 27<sup>th</sup> West and four monument signs (one for 35<sup>th</sup>, 2 on 27<sup>th</sup> and one on 38<sup>th</sup>). This is a 74 acre site with 4 frontages so the number of freestanding signs is well distributed across the property. The Sign Ordinance allows for larger and higher signs than our standards (65' tall and 200 square feet in area) to be approved by the Planning Commission. The 2 pole signs along I-215 are about 950' apart. Although there are some setback issues, it seems appropriate to consider the Mall as the City's only existing regional shopping center which helps to justify additional height and area. Additional visibility, especially along I-215 is important to promote the redeveloped Mall. The I-215 oriented pole signs are 85' tall and include advertising for the new logo, and the primary tenants. The elevation of the east side Mall parking lot varies from 16' to 20' below the grade of the freeway. The total square footage is approximately 1120 square feet. The smaller pole signs are 40' high and 258 square feet. The monument signs have an outside dimension of 10' by 10' but only have 61 square feet of sign area. All of the signs incorporate the new architectural style of the Mall.

### **Staff Alternatives**

1. General approval of phases 1-3, subject to the following:
  - The applicant must receive approval from all applicable agencies and City departments.
  - Signage as submitted (or as modified by the PC) but meeting appropriate setbacks.
  - Additional review during a study session of buildings lacking elevations and more refined site plans as details of those freestanding buildings are developed.
  - Compliance with Commercial Design Standards.
  - Burying distribution lines and increasing pole spacing for the remaining transmission lines, pending engineering by Rocky Mountain Power.
  - Plaza to be designed and constructed substantially like the plans submitted.
  - A separate Conditional Use amendment for the area currently described as Joe's Sporting Goods along 3800 South.
  - Development agreement for the streetscape on 27<sup>th</sup> including at least an 8' parkstrip, 8' sidewalk, with at least a 5' buffer for parking, but buildings may be located at or near the back of the sidewalk.
  - Further coordination with UDOT,UTA, and City, to resolve property line

and street design issues. Dedication of ROW to at least the back of curb and including public sidewalk easements.

- Elimination of cobra head lights. Street lighting as requested by the City and anticipated to be similar to 3800 South.
  - Installation of the 35<sup>th</sup> South streetscape for approximately 500'.
  - The inclusion of at least 30 bike parking spaces and racks.
  - That the mechanical equipment be screened from view from the street
2. Continuance, additional information is needed.

**Applicant:**

**Satterfield-Helm Management. Inc.  
3601 South Constitution Blvd. (2700 West)**

**Discussion:** Steve Pastorik presented the application. The applicant stated that this is a big project that is complex and requires a great deal of work. The applicant is excited to be at this point. The previous owners did not really do anything that was planned. This has hurt the new owners. The mall had been spiraling downwards, however sales have now turned around with a double digit sales increase. They are trying to keep the momentum going. The signage is very important to them. They talked about renaming the mall but they do not want to re-brand something. Up branding is much easier. They have a new logo with a new feel. They have hired a marketing team to help them. The tenants are hesitant to come aboard without huge amounts of signage. The applicant wants to do an electronic reader board for the internal tenants, but these are very expensive.

Commissioner Mills asked about variations on the plan and if this is seen as the end or the beginning? The applicant stated they see it as a beginning. They have increased sales and have improved morale. Commissioner Davis asked about the signage which shows high profile tenants. Are there any other tenants? Applicant replied that no, they do not have final approval at this time. Commission asked if the mall will ever completely be closed down? Applicant replied that no, his company wants to keep the mall alive so sales will actually go up during construction. Commissioner Mills asked about page 64 of the staff report, she wants to talk more about false windows. Roger Brown from Law/Kingdon Architects responded that if a tenant did not want to have a display window, they could put in a spandrel window in which you cannot see in. Commissioner Mills asked if it could be lit. The applicant responded yes, it could be backlit. Commissioner Matheson commented that the signs, which are freeway oriented, need to be tall and big.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Matheson moved for general approval of phases 1-3 of the mall expansion subject to the 13 items the staff has suggested which include signage as submitted by the developer.

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Clayton	AB
Acting Chairman Fuller	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Jones	Yes
Chairman Woodruff	AB

**Unanimous– C-24-2007 – Approved**

**C-44-2007**

**Clearwire U.S.**

**4255 Lake Park Blvd.**

**R/BP Zone 5.2 Acres**

The applicant is requesting conditional use approval for roof mounted antennas on the Legacy office building located at 4255 Lake Park Blvd in the Lake Park Corporate Center. Roof mounted antennas are a conditional use in the B/RP (business/research park) zone. The West Valley City General Plan designates this area for business/research park and office uses.

Clearwire U.S. provides wireless broadband internet service and typically mounts their antennas on poles and buildings similar to cell phone providers. Their antennas consist of one 2' diameter dish antenna and one 42" by 6" panel antenna in each of three sectors. For this particular application Clearwire U.S. is proposing to mount the antennas on the mechanical equipment penthouse on the roof of the building. One sector would be on the north wall, in the northeast corner, one sector would be on the east wall in the northeast corner and one sector would be on the south wall in the southeast corner. The associated equipment will be mounted on a skid on the top of the penthouse. This equipment must be completely screened from view. The applicant is proposing painting the antennas and support structure to match the color of the penthouse.

**Staff Alternatives:**

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:

1. The antennas and support structure mounted on the face of the penthouse must be painted to match the color of the penthouse.
  2. All support or associated equipment on the roof of the building must be completely screened from view.
  3. All requirements or any other affected departments and/or agencies must be met.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**

**Clearwire USA  
Kevin Crowther  
993 East 250 South  
Orem, UT**

**Discussion:** Ron Weibel presented the application. Kevin Crowther stated that his application refers to a service which will allow wireless access to internet.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Mills moved for approval subject to the 3 conditions listed by staff.

Commissioner Jones seconded the motion.

**Roll call vote:**

Commissioner Clayton	AB
Acting Chairman Fuller	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Jones	Yes
Chairman Woodruff	AB

**Unanimous– C-44-2007 –Approved**

**C-46-2007**

**Jumping Jack Cash (Jim Mchose)  
3105 West 3500 South**

## **C-2 Zone (.88 Acres)**

The applicant, Jumping Jack Cash, is requesting a conditional use permit for a pawn shop business. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates General Commercial or Medium Density Residential uses for this area. The surrounding zone is C-2, with R-4 to the south. The surrounding uses include automotive services, which are located in the same commercial complex as the proposed use. There is a fast food restaurant to the west, a residential condo complex to the south and residential apartments to the east.

This site contains three buildings that were originally used for auto related services. The applicant is proposing to utilize the western building on site for a pawn business. The building was constructed with 4 overhead doors along the east side of the building. The applicant proposes to remove these doors and replace the openings with stucco panels. This southern portion of the building will then be used for storage of merchandise and there will not be any outside storage or display on site.

The building is painted white and the applicant proposes to re-paint the wainscot blue with a green stripe. Staff recommends continuing this painted wainscot along the stucco panels that are replacing the overhead doors. The front roof portion of the building will be painted blue and wall signs will be located along the north and west face that comply with the square footage allowed by ordinance (15% for front face and 5% for side).

There is an existing monument sign on site that the applicant proposes to use. However, UDOT will be widening 3500 South this spring and the monument sign will need to be removed. The applicant may submit a permit for a new sign that complies with the standards of the West Valley City Sign Ordinance at that time.

When the site was originally approved in 1980 the landscape plan shows several trees and shrubs were to be located in the front setback area. However, currently the landscaping on site includes only lawn. The 3500 South project will also effect the landscaping on site and the current UDOT proposal shows 3 tree wells located along the front park strip (2 on the west side and 1 on the east side of the entrance). Therefore staff feels that 2 additional trees should be planted with in the center island. If UDOT does not plant tree wells at this location the applicant must plant a total of 5 trees with in the front landscaped area.

There are approximately 39 parking spaces on site which accommodate all of the uses on site. There is a dumpster located to the south of the building and this area is also being used for tire storage. An enclosure must be constructed for this dumpster and the remaining area shall be used for parking and not tire storage per the original approved site plan.

## **Staff Alternatives:**

**Approval**, subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. There is to be no outside storage or merchandise display for this use.
2. If the overhead doors are to be removed they shall be replaced with stucco panels painted to match the remaining portion of the building, including a wainscot.
3. This use shall not include check cashing.
4. A 6' tall masonry enclosure must be provided for the dumpster located on the south side of the building. This enclosure must be located at least 20' from any residential property boundary.
5. Two additional trees shall be planted with in the center island along 3500 South. If UDOT does not plant tree wells at this location the applicant must plant a total of five trees with in the front landscaped area. Trees shall be planted according to the standards and specifications listed in the Standards for Landscaping Along High-Image Arterial Streets (7-13)
6. Signage must comply with the West Valley Sign Ordinance.

**Continuance**, to allow for the resolutions of any issues raised at the public hearing or to allow for revised building elevations to be submitted.

**Applicant:**

**Jumping Jack Cash (Jim Mchose)**

**Alisa Lindsey- Part Owner of Jumping Jack Cash**

**725 Meadow Marsh**

**Lehi, Utah**

**Discussion:** Jody Knapp presented the application. Alisa Lindsey stated they are a lending establishment. There will be no check cashing or car title loan. They do not do any pay check advances. There will be no outside storage and the dumpster will be enclosed. Ms. Lindsey indicated that they try not to look like a “mom and pop shop”. She is open to suggestions on the outside wall that would help make it aesthetically appealing. The Commission asked about retail sale items being new. Ms. Lindsey replied that the sales are of pawn items. Commissioner Mills asked if the stucco panels are recessed or flushed. Ms. Lindsay replied that they are recessed about 2 inches.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Jones moved for approval subject to the 6 staff Conditions, the dumpster to be enclosed in a masonry structure, and both option A and B elevations be included in the remodel.

**No one seconded the motion. Motion Failed.**

Commissioner Davis moved for continuance to allow the applicant to bring back color renderings of the buildings.

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Clayton	AB
Acting Chairman Fuller	No
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Commissioner Jones	Yes
Chairman Woodruff	AB

**Majority– C-46-2007 – Continued**

**C-47-2007**

**Bevans Marine**

**4581 West 3500 South**

**C-2 Zone 4.9 Acres**

The applicant is requesting an amendment to an existing conditional use to modify the approved landscape plan. The property is located at 4581 West 3500 South in a general commercial (C-2) zone. The West valley City General Plan designates this area for general commercial or medium density residential uses.

The applicant went before the Planning Commission on August 22, 2007 to request a modification to their landscape plan. At that meeting there was not a representative from the applicant and the Planning Commission denied the request and required that the landscaping be brought back to the requirements from the original conditional use. The applicant has done this, with the exception of two areas in the front of the building. It is these two areas that the applicant is requesting approval to modify. Through the course of the years the foundation of the front of the building in these areas has sustained significant water damage from the irrigation of the landscaping. Because of this damage the previous owner of the property removed the landscaping and replaced it with concrete.

The applicant is requesting approval to plant one tree on either side of the front of the building. The trees would be placed in tree wells and have a French drain at the bottom to keep water away from the building foundation. A copy of the proposed plan has been attached to this analysis.

**Staff Alternatives:**

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
  1. The trees planted in the tree wells must be at least 2” caliper and should be taken from the list of approved trees in Chapter 7-13-103(3).
  2. All landscaping must have an irrigation system and be permanently maintained.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**  
**Bevans Marine**  
**Tony Curtis**  
**4600 South 3500 West**

**Discussion:** Ron Weibel presented the application.

There being no further discussion regarding this application, Vice - Chairman Fuller called for a motion.

**Motion:** Commissioner Jones moved for approval subject to conditions in staff report.

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Clayton	AB
Acting Chairman Fuller	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Jones	Yes
Chairman Woodruff	AB



**Unanimous– C-47-2007 – Approved**

**C-48-2007**

**Utah Title Loans**

**3325 West 3500 South**

**C-2- Zone .62 Acres**

The applicant is requesting conditional use approval for a relocation of a check cashing and car title loan business at 3325 West 3500 South. The business is currently located directly to the east of this location at 3257 West 3500 South. The property is zoned general commercial (C-2) and the West Valley City General Plan designates this area as general commercial uses.

Because conditional uses are site specific, it is necessary for the applicant to apply for a new conditional use even though they are currently located on the property directly adjacent to the east of this property. The building they are in currently will be torn down in the coming year due to the 3500 South road widening project by UDOT. The adjacent property used to house Scott's Drive-In but is currently vacant. Utah Title Loans would renovate the interior and utilize the existing building. The existing pole sign would have to be removed as part of the approval process. A monument sign is being proposed but there is not enough specific information in the plan to approve that sign at this time. The applicant's representative may be able to provide more information prior to the public hearing, in which case staff will review that information with the Planning Commission. The plans for the wall signs that were submitted do not show the dimensions of the building faces, but the signs appear to be well within the limits of the sign ordinance. This will be verified prior to issuing a sign permit.

With the UDOT expansion of 3500 South in this area starting this spring, some of the frontage for this property will be taken. The final alignment of the road expansion will determine what type of landscaping can be installed, as well as how much parking will be left for the site. However, the site currently has an excess of parking for office type uses and will have sufficient parking remaining after the road widening to meet the requirements for this use.

**Applicant:**

**Marty Spicer  
119 North Main  
Smithfield, Utah**

**Robert Riche  
Utah Title Loans**

**Discussion:** Ron Weibel presented the application. Commission asked if there is ever inventory at this location. Mr. Robert Riche replied that there is never any inventory. In the event of a repossession, the vehicle would be taken directly to

the auction location where, by law, they are obligated to sell at arms length.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Conder moved for approval  
subject to the 4 conditions outlined by staff.  
Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Clayton	AB
Acting Chairman Fuller	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Jones	Yes
Chairman Woodruff	AB

**Unanimous– C-48-2007 – Approved**

**C-50-2007**

**SL&A Architects**

**Legacy III at Lakepark**

**4275 West Lake Park Boulevard**

**B/RP Zone (6.7Acres)**

The applicant, SL&A Architects, is requesting a conditional use permit for an office building. The zoning for this area is B/RP, Business Research Park. The West Valley City General Plan anticipates Business Research Park and Office uses for this area. The surrounding zone is B/RP, with some Manufacturing (M) to the north. The surrounding uses include additional office type uses as well as the Stonebridge Golf course.

An overall site plan for this site was originally reviewed in 1992 for a three-building office complex. Two of the buildings have already been constructed so this third building will complete the Legacy development. The proposed building will be 104,000 square foot, four-stories tall and the architecture will match the existing buildings previously approved.

There is an existing monument sign at the entrance of the site and an additional monument sign will be added directly in front of the building. This is consistent with the design of the existing buildings on site.

The landscaping for this project covers 27% of the site. It includes landscaped islands throughout the parking lot as well as a landscaped pathway area between the buildings.

There is a dumpster proposed along the south edge of the property. A 6-foot masonry enclosure must be constructed around the dumpster. If any additional mechanical equipment, including generators, will be placed on site a masonry wall tall enough to fully screen the equipment must also be constructed.

**Staff Alternatives:**

**Approval**, subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. A 6' tall masonry enclosure must be provided for the dumpster located on the south side of the site. If any additional mechanical equipment, including generators, will be placed on site a masonry wall tall enough to fully screen the equipment must also be constructed.
2. The building and site shall be constructed per the approved plans
3. Signage must comply with the West Valley Sign Ordinance.

**Continuance**, to allow for the resolutions of any issues raised at the public hearing.

**Applicant:**

**Brett Ashworth**

**4275 West Lake Park Blvd.**

**Discussion:** Jody Knapp presented the application. Mr. Brett Ashworth indicated they are happy to comply.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Mills moved for approval subject to 3 staff conditions.

Commissioner Davis seconded the motion.

**Roll call vote:**

Commissioner Clayton	AB
Acting Chairman Fuller	Yes

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Jones	Yes
Chairman Woodruff	AB

**Unanimous– C-50-2007 – Approved**

## **MISCELLANEOUS APPLICATIONS**

### **M-5-2004**

**Applicant:**  
**West Valley City**

**Discussion:** Nevin Limburg presented the application. The Planning Commission asked about the road access to the development. Mr. Limburg replied that there is another road, which is currently private, that they would like dedicated to the City. There will be several points of access. Commission approves that the plan conforms with the general plan.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a vote.

**Roll call vote:**

Commissioner Clayton	AB
Acting Chairman Fuller	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Jones	Yes
Chairman Woodruff	AB

**Unanimous – M-5-2004 – Approved**

## **PLANNING COMMISSION BUSINESS**

Approved minutes from September 19, 2007 (Study Session) **Approved**  
Approved minutes from September 26, 2007 (Regular Meeting) **Approved**  
Approved minutes from October 3, 2007 (Study Session) **Approved**  
Approved minutes from October 10, 2007 (Regular Meeting) **Approved**

Approved minutes from November 7, 2007 (Study Session) **Approved**  
Approved minutes from November 14, 2007 (Regular Meeting) **Approved**  
Approved minutes from December 5, 2007 (Study Session) **Not reviewed**  
Approved minutes from December 12, 2007 (Regular Meeting) **Not reviewed**

There being no further business, the meeting adjourned at 7:45 p.m.

Respectfully submitted,

---

John Janson, Planning Director